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D. REMARKS

Claims 1, 3, 4, 9-13, 15, 16, 21-25, 27, 28, 33-36 remain pending herein. Claims

2, 5, 6, 7, 8, 14, 17, 18, 19, 20, 26, 29, 30, 31, 32 have been canceled herein.

The examiner has rejected claims 1-36 under 35 USC 101 as being directed to non-

statutory subject mater. Specifically, for claims 1, 3, 4, 9, 10, 11, 12, the claims have been

amended to more clearly state that the method is a computer implemented method. As

such, the examiner's rejection is overcome with this amendment. With respect to

claims 13, 15, 16, 21, 22, 23, 24, Applicants do not understand the examiners statement

with respect to "the intent of the execution of the system". Further clarification from the

examiner is respectfully requested. The claims specifically recite a computer system

having a set of monitors, means for examining, and means for returning information. The

system is concrete and tangible and meets the requirements of 35 USC 101 as a machine.

Therefore, the examiner's rejection is overcome with this amendment. With respect to

claims 25, 27, 28, 33-36, the specification has been amended so that the medium, when

read in light of the specification, does not include transmitted signals that can not be

touched or perceived. Therefore, the examiner's rejection is overcome with this

amendment.

The examiner has rejected the claims under 35 USC 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which Applicant regards as the invention. Applicants have made numerous amendments

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to the claims to correct the antecedent basis for many of the nouns including those pointed

out by the examiner.

The examiner has rejected claims 1-4, 8-16, 20-28, and 32-36 under 35 USC

103(a) as being unpatentable over Haddon et al (US 6,622,155 hereinafter Haddon) in

view of Dubourreau et al. (US 5,590,335 hereinafter Duborreau).

All of the pending claims, as amended specifically claim that i) the computer

implemented method takes place in, or the means, in the computer system, are carried out

in, a virtual machine layer of a computer system, i.e., the step of examining or means for

examining queued processes to determine if there is a deadlock situation takes place in or

is carried out by the virtual machine layer; ii) the method or means are carried out by

detecting a cyclic dependency at a time a given dependency is created; and iii) if a

deadlock situation is found, an identity of the processes and monitors are returned with an

exception that is returned to an application while the application is running on the virtual

machine layer; and iv) this enables the application to resolve the deadlock situation for

continued processing without the deadlock situation by having a process release a monitor

that an identified process owns but is not currently using.

Applicants submit that the art does not teach or suggest each and every one of

these limitations and that the claims as a whole are not taught or suggested by the art.

The examiner has rejected claims 5, 6, 17, 18, 29 and 30 under 35 USC 103(a) as

being unpatentable over Haddon et al (US 6,622,155 hereinafter Haddon) in view of

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Dubourreau et al. (US 5,590,335 hereinafter Duborreau) and further in view of Fujita (US 5,845,117). These claims have been canceled and have not been incorporated into the independent claims.

The examiner has rejected claims 7, 19, and 31 under 35 USC 103(a) as being unpatentable over Haddon et al (US 6,622,155 hereinafter Haddon) in view of Dubourreau et al. (US 5,590,335 hereinafter Duborreau) in view of Fujita (US 5,845,117) and further in view of Kikuchi (US Pat. Pub. Application 2001/0049714). These claims have been canceled and have not been incorporated into the independent claims.

The claims have been amended by incorporating some of the dependent claims into the independent claims. The claims have also been amended by incorporating limitations from the specification. No new matter has been added. Support in the specification can be found at various places such as page 33 lines 7-17, page 39 lines 11-15, page 29 lines 3-8, Fig. 2, page 14 lines 27 to page 15 line 2, page 24 line 16-24, page 24 line 7, page 15 lines 16-24, page 24 lines 24-28, page 8 lines 24-25, page 9 lines 5-7, page 31 lines 3-14, page 38 lines 4-6, page 31, lines 15-25.

A request for a telephone interview with the examiner is being requested herewith.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims are respectfully requested. If the Examiner feels that the pending

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claims could be allowed with minor changes, the Examiner is invited to telephone the

undersigned to discuss an Examiner's Amendment.

Respectfully submitted,
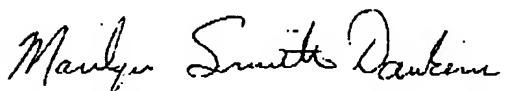
Marilyn Smith Dawkins
Attorney for Applicants
Registration No. 31,140
(512) 823-0094

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